IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (LODG) NO. 297 OF 2006

Edwin Britto.] ..Petitioner

Vs.

1. Municipal Commissioner of Greater Mumbai and 2 ors.]] ..Respondents

Mr. P.M. Havnur for the petitioner.

Mr. D.H. Mehta with Mrs. S. Ajit Kumar for the respondents No.1 and 2.

Mr. G.S. Hegde with Mr. M.J. Shetty for the respondent No.3.

CORAM : F.I. REBELLO,
ANOOP V. MOHTA, JJ.

DATED : 24TH APRIL, 2006

P.C.

. This is one of the buildings which has been regularised by the Municipal Corporation pursuant to the directions issued by this Court after hearing. The present Petition was filed by the petitioner contending that the Commissioner has no right for change of user of land and that the plot which was reserved was for Industrial School for Girls whereas construction put up was for residential-cum-commercial. This is what we had noted on 17th April, 2006.

2. Pursuant to the replies filed on behalf of the respondents, learned counsel for the petitioner fairly concedes that the reservation was not there. He, however, contends that the construction could not have come up for some other reasons. Those reasons have not been set up in the Petition. Apart from that, the construction came up in the year 1983. The petitioner claims that he has his residence in an adjoining plot. We fail to understand as to why, if the petitioner wanted to point out illegality, he had to wait for more than 20 years t bring that fact to the notice of this Court. In our opinion, this would not be a fit case for this Court to exercise its extra ordinary jurisdiction.

3. Petition rejected.

Sd/-
[F.I. REBELLO, J.]

Sd/-
[ANOOP V. MOHTA, J.]